

Meeting Date: July 24

Agenda Item No. 8

Agenda Item: Rules: Disability License Self
Certification to Hold and Use Legal Equipment; Define
Physician for Purposes of Disability Certification

Bureau Chief Approval: _____

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Background:

At the May, 22 meeting, staff briefed the Commission about issues relating to the current rule requiring physician certification of both disability criteria and the ability to hold and use legal equipment. This rule structure requires an additional physician certification for individuals who already hold a “permanently disabled” notation on their driver’s license because they must still be physician certified to hold and use legal equipment. The rule structure has generated complaint from disabled customers.

Staff recommended investigating a self certification alternative for the physician certification to hold and use legal equipment. The Commission directed staff to provide a rule alternative for self certification.

Staff also pointed out that the rule requiring certification to hold and use legal equipment was not properly referenced in current rules and the Commission directed staff to fix this error.

Since the Commission meeting in May, there has been confusion by disabled customers about who can properly certify the disability criteria. Although the rule requires disability certification by a physician, physician assistant, or nurse practitioner, the Department has received at least one form for a disability license certified by a chiropractor. Staff does not believe this was the intent of the rule.

Statutory Authority and/or Policy issues:

The Commission has license rulemaking authority pursuant to IDAPA 13.01.04.

Public Involvement Process:

Staff has reviewed information provided by several disabled customers.

Staff Recommendation:

- Adopt a self certification rule allowing a disabled applicant to self certify that they are capable of holding, or holding and firing, without assistance from other persons, legal hunting and fishing equipment.
- Amend rules so that required documentation in the disability license and motor vehicle permit rules are correctly referenced.
- Adopt a rule in IDAPA 13.01.04 defining physician.

Justification:

The Commission requested consideration of a self certification rule as an alternative to current rule in IDAPA 13.01.04.302.02.c and 13.01.04.303.01.b, which requires physician certification that the applicant is capable of holding, or holding and firing, without assistance from other persons, legal hunting and fishing equipment. The Commission directed staff to properly reference required documentation in the disability license rules.